

STATE OF CALIFORNIA  
STATE AND CONSUMER SERVICES AGENCY  
CALIFORNIA BUILDING STANDARDS COMMISSION  
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Office Use Item No. \_\_\_\_\_

**PARTICIPATION COMMENTS FOR THE NOTICE DATED AUGUST 22, 2006**  
Written comments are to be sent to the above address.

**WRITTEN COMMENT DEADLINE: OCTOBER 16, 2006**

Date: 10/12/06

From:

Kenneth Rohde, AIA

Name (Print or type)

(Signature)

-- For Erickson Retirement Communities

Agency, jurisdiction, chapter, company, association, individual, etc.

39 Woodhaven Drive Laguna Niguel CA 92677

Street

City

State

Zip

I/We (do not) agree with:

☐ The Agency proposed modifications As Submitted on Section No. 310, 504.2

and request that this section or reference provision be recommended:

☐ Approved ☒ Disapproved ☐ Held for Further Study ☐ Approved as Amended

by the reviewing Code Advisory Committee.

**Suggested Revisions to the Text of the Regulations:**

**Issue : Application of same building occupancy for RCFEs for different applications within a Continuing Care Retirement Community**

Recommended Change: Section 310 (pg 45), the definition of Residential Care Facilities for the Elderly should be expanded into R-4 and R-4.1. R-4.1 being independent living units within a Continuing Care Retirement Community as licensed by DSS where the operator is not providing personal care services. The R-4.1 occupancy should have the same restrictions as an R-2 (apartments) occupancy with the following additional provisions:

- 1) Fully automatic fire sprinkler system (Full NFPA 13).

- 2) Electronically supervised, fully annunciated fire alarm system where actual rooms or units (not zones) are identified on the main fire alarm panel as well as monitored by a central station.
- 3) Building shall have at least one fire wall.

Remove Exception 5 from Section 504.2 for the proposed R-4.1 occupancy only and 1-1 (if issue 3 is not addressed).

Alternate Change: Classify the independent living portion of RCFEs (Continuing Care Retirement Communities) where personal care services are not provided by the operator as an R-2 occupancy. Note: For the independent living units only, the buildings would receive the additional story per Section 504.2 (pg 101) for the use of fire sprinklers.

Reason: The proposed text in the Express Terms is unreasonable, unfair, and creates unnecessary increased building costs.

Discussion: Continuing Care Retirement Communities (CCRC) as licensed by Community Care Licensing of DSS issue a Residential Care Facility for the Elderly (RCFE) license to all buildings of the community. CCRCs contain independent living apartments, duplexes, skilled nursing and assisted living. The assisted living building is generally for the more frail and cognitively impaired (early Alzheimer's) and situated in a separate building or wing from the remainder of the community; often contiguous to the skilled nursing facility. Personal care services are included. The independent living units are for the most physically and cognitively active residents of the community. Personal care services are not included and it is not a supervised environment like assisted living. In the past, since DSS issues a single RCFE license, the building code standards for both occupancies have been identical. The Independent Living Units should be considered as senior apartments with licensing standards regarding operations, financial reserves, etc. and without personal care services. Assisted Living is for the frail and moderately cognitively impaired. In practice, some independent living operators provide personal care services and others do not. In cases where operators do not provide personal care assistance, the resident is either transferred to the assisted living building of the community or the resident out sources home health care as a resident would in a senior apartment (R-2 occupancy). When the operator feels excessive home health or personal care services are needed, the resident, generally as a contractual provision in the life care contract, is required to relocate to a facility with a higher level of care (i.e. Assisted Living or Skilled Nursing).

Given the wide difference in type of residents of independent living vs. assisted living facilities, it would appear the Independent Living should be able to be constructed with the same code standards as a senior apartment building currently described in the building code with some added features (personal care services are not provided) and the Assisted Living building should have more stringent building standards as currently described in the building code.

## HEALTH & SAFETY CODE SECTION 18930

### SECTION 18930. APPROVAL OR ADOPTION OF BUILDING STANDARDS; ANALYSIS AND CRITERIA; REVIEW CONSIDERATIONS; FACTUAL DETERMINATIONS

- (a) Any building standard adopted or proposed by state agencies shall be submitted to, and approved or adopted by, the California Building Standards Commission prior to codification. Prior to submission to the commission, building standards shall be adopted in compliance with the procedures specified in Article 5 (commencing with Section 11346) of Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code. Building standards adopted by state agencies and submitted to the commission for approval shall be accompanied by an analysis written by the adopting agency or state agency that proposes the building standards which shall, to the satisfaction of the commission, justify the approval thereof in terms of the following criteria:
- (1) The proposed building standards do not conflict with, overlap, or duplicate other building standards.
  - (2) The proposed building standard is within the parameters established by enabling legislation and is not expressly within the exclusive jurisdiction of another agency.
  - (3) The public interest requires the adoption of the building standards.
  - (4) The proposed building standard is not unreasonable, arbitrary, unfair, or capricious, in whole or in part.
  - (5) The cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
  - (6) The proposed building standard is not unnecessarily ambiguous or vague, in whole or in part.
  - (7) The applicable national specifications, published standards, and model codes have been incorporated therein as provided in this part, where appropriate.
    - (A) If a national specification, published standard, or model code does not adequately address the goals of the state agency, a statement defining the inadequacy shall accompany the proposed building standard when submitted to the commission.
    - (B) If there is no national specification, published standard, or model code that is relevant to the proposed building standard, the state agency shall prepare a statement informing the commission and submit that statement with the proposed building standard.
  - (8) The format of the proposed building standards is consistent with that adopted by the commission.
  - (9) The proposed building standard, if it promotes fire and panic safety as determined by the State Fire Marshal, has the written approval of the State Fire Marshal.